

## **REMARKS**

### **I. Status of Claims**

Claims 1, 3-10, and 12-16 are pending in the application. By this response, claims 1, 3-4, 6, 10, 12-13, and 15 are amended. Claims 2 and 11 are canceled without prejudice and/or disclaimer to the subject matter therein.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claims 1-16 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by USP 6,315,068 to Hoshiya et al. (hereinafter "Hoshiya").

Claims 1 and 10 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over USP 5,806,617 to Yamaguchi (hereinafter "Yamaguchi") in view of Hoshiya.

The Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and the following remarks.

### **II. Specification**

The Abstract is objected to because it exceeds 150 words. In light of the above replacement Abstract, Applicants respectfully request withdrawal of the objection.

### **III. 35 U.S.C. 112, second paragraph, Rejection**

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claim 1 is amended to correct any perceived ambiguity and withdrawal of the rejection is respectfully requested.

### **IV. Pending Claims**

Independent claims 1 and 10 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Hoshiya and under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamaguchi in view of Hoshiya.

The Applicant respectfully submits that claims 1 and 10 are patentable over Hoshiya at

least because they recite, “wherein said controller calculates a first revolution speed of said internal combustion engine from a smoothed driving force, which is obtained by smoothing the driving force demand, and the discharge limit of said electric accumulator, and sets the calculated first revolution speed to a target revolution speed of said internal combustion engine at the specific drive point” and “wherein said step(a) calculates a first revolution speed of said internal combustion engine from a smoothed driving force, which is obtained by smoothing the driving force demand, and the discharge limit of said electric accumulator, and sets the calculated first revolution speed to a target revolution speed of said internal combustion engine at the specific drive point,” respectively.

Hoshiya discloses switching over between multiple running modes, and accordingly, depending on a driving mode, setting a target revolution speed of an engine. However, in contrast to the present application, Hoshiya does not disclose and/or suggest smoothing a driving force demand, calculating a first revolution speed of an engine from a smoothed driving force and a discharge limit of an electric accumulator, and thus setting the calculated first revolution speed as a target revolution speed of an engine at a specific drive point.

The Office Action also cites Yamaguchi; however, Yamaguchi does not cure these deficiencies. Rather, Yamaguchi discloses setting thresholds of an accelerator opening ( $b_1$ ,  $b_2$ ) and thresholds of vehicle speed ( $c_1$ ,  $c_2$ ) according to a battery state of charge, and changing an engine torque from  $TE_2$  to  $TE_1$ , when the accelerator opening is below the threshold  $b_2$  or when the vehicle speed is below the threshold  $c_2$ . However, in contrast to the present application, Yamaguchi fails to disclose and/or suggest smoothing a driving force demand, calculating a first revolution speed of an engine from a smoothed driving force and a discharge limit of an electric accumulator, and thus setting the calculated first revolution speed as a target revolution speed of an engine at a specific drive point.

Therefore, the Applicant respectfully submits that claims 1 and 10 are neither anticipated nor rendered obvious in view of Hoshiya and Yamaguchi.

For at least these reasons, claims 1 and 10, as well as their dependent claims, are patentable over the cited references.

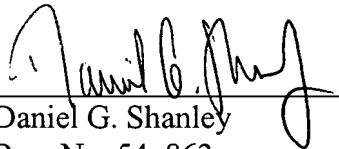
**V. Conclusion**

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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